

7. Arson. Arson is *any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.* **Count one offense for each distinct Arson operation originating within the reporting jurisdiction.**

Classify as Arson:

- Only fires *determined through investigation* to have been willfully or maliciously set. Because the *Clery Act* requires institutions to disclose all arsons that occur on their Clery geography, you must have every fire that is not known to be accidental (such as a cooking fire) investigated. An Arson determination must be made by either a fire authority such as a fire marshal, law enforcement personnel or another individual experienced in arson investigation. The latter includes someone at your institution who has received training in arson investigation by a fire authority.
- Attempts to burn.
- Any fire that investigation determines to meet the *UCR* definition of arson regardless of the value of property damage.
- Incidents where an individual willfully or maliciously burns his or her own property.

Do not classify as Arson:

- Fires of suspicious origin.
- Fires of unknown origin.

You must have every fire that is not known to be accidental (such as a cooking fire) investigated.

Cautions in disclosing Arson statistics

- Point of origin:
 - If a fire (determined to be arson) starts in a privately owned house located next to your campus and spreads to a building on your campus, you are not required to disclose the arson statistic because the point of origin for the arson was not your Clery geography.

If the situation is reversed, and an on-campus fire (determined to be arson) spreads to the house, you **must** include the on-campus arson in your Clery statistical disclosures.
 - If the private home and the on-campus building are burning, and investigators later determined that the cause was arson, but the point of origin could not definitively be determined, your school is responsible for disclosing the arson statistic for the on-campus building only if the building suffers greater fire damage than the private home.
- Classify incidents in which persons are killed as a direct result of arson as both Criminal Homicides and Arson. Similarly, report the number of persons severely injured during an arson as Aggravated Assaults along with the Arson. When multiple reportable offenses are committed during the same distinct operation as the arson offense, report the most serious offense along with the arson. (More about the Hierarchy Rule on pages 53 and 54.)

An important note for institutions that have **on-campus student housing facilities**: Arsons in on-campus student housing facilities must also be disclosed in your fire statistics. This means that in Scenario 5 on the next page, you must also classify the incident as one intentional fire in the on-campus student housing facility in which the fire occurred. (See Chapter 13 for more information on fire statistics.)

Examples of Arson

Scenario 1: A student is killed by what an investigation determines was a deliberately set fire in his campus residence hall room. Classify this as one Murder and Non-negligent Manslaughter and one Arson in the on-campus category and one Murder and Non-negligent Manslaughter and one Arson in the on-campus student housing facility category.

Examples of Arson (Continued)

Scenario 2: A suspicious fire is reported in a campus academic building, but fire authorities cannot determine if it was intentionally set. Do not include this incident as an Arson in your annual crime statistical disclosures.

Scenario 3: A resident of a noncampus Greek house sets fire to his couch on the lawn in front of the house in celebration of a school football victory. Investigators determine that the incident was Arson. Classify this as one Arson in the noncampus category.

Scenario 4: A fire is reported in a campus dormitory. Ten students are killed as a direct result of the flames and asphyxiation. Two more students die from internal injuries when they attempt to jump to safety. Six people are hospitalized with second- and third-degree burns. Investigation determines that the fire was intentional. Classify this as one Arson in the on-campus category and the on-campus student housing facility category and twelve Murder and Non-negligent Manslaughters in the on-campus category and the on-campus student housing facility category.

Scenario 5: A student is seen setting fire to a paper advertisement on an on-campus dormitory bulletin board. Investigation determines that the student willfully set fire to the paper. Classify this as one Arson in the on-campus and the on-campus student housing facility categories.